

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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CHRISTOPHER SWANSON,

Plaintiff,

v.

Case No. 20-cv-1675-bhl

NANCY GARCIA, et al.,

Defendants.

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**DECISION AND ORDER**

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Plaintiff Christopher Swanson, a prisoner who is representing himself, is proceeding on claims under the Eighth Amendment based on his allegations that Defendants were deliberately indifferent to his painful toe infections. Swanson did not know two Defendants' names, so the Court ordered him to use discovery to learn their names. On January 15, 2021, Swanson filed a motion to identify Doe HSU Staff as Dr. Jeffrey Manlove and Doe HSU Manager as Health Services Manager Burton. The Court will update the caption accordingly and will order Swanson's complaint and supplements as well as the screening order to be served on Dr. Manlove and Burton.

Also, on December 10, 2020, the Court granted Defendants' motion to extend the deadline for filing a summary judgment motion on exhaustion grounds to sixty days after Swanson identified the Doe Defendants. Now that the Doe Defendants have been identified, the Court will set a deadline of **March 19, 2021**, for Defendants to move for summary judgment on the ground Swanson failed to exhaust the available administrative remedies before he initiated this lawsuit. The deadline for discovery remains April 12, 2021, and the deadline for filing summary judgment motions on the merits remains May 12, 2021. If a party believes it needs additional time, it may

move to extend a deadline, but it must do so before the deadline and it must state why it needs more time and how much more time it needs.

**IT IS THEREFORE ORDERED** that Swanson's motion to identify the Doe Defendants (Dkt. No. 36) is **GRANTED**. The Court will update the caption to reflect that the name of "Doe HSU Manager" is Burton and the name of "Does HSU Staff" is Dr. Jeffrey Manlove.

**IT IS FURTHER ORDERED** that, pursuant to an informal service agreement between the Wisconsin Department of Justice and this Court, copies of Swanson's amended complaint and supplements (Dkt. Nos. 10, 14, 16), the screening order (Dkt. No. 17), and this order are being electronically sent today to the Wisconsin Department of Justice for service on Burton and Jeffrey Manlove.

**IT IS FURTHER ORDERED** that, pursuant to the informal service agreement between the Wisconsin Department of Justice and this Court, Burton and Manlove shall file a responsive pleading to the amended complaint and supplements within **sixty days** of receiving electronic notice of this order.

**IT IS FURTHER ORDERED** that Defendants may file a motion for summary judgment on the ground Swanson failed to exhaust the available administrative remedies, together with supporting materials, no later than **March 19, 2021**.

Dated at Milwaukee, Wisconsin this 21st day of January, 2021.

BY THE COURT:

*s/ Brett H. Ludwig*

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BRETT H. LUDWIG

United States District Judge